

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See Form PCT/ISA/210 (sheet 2)**

Applicant's or agent's file reference

R9458WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/FR2004/003178

International filing date (day/month/year)

09.12.2004

Priority date (day/month/year)

11.12.2003

International Patent Classification (IPC) or both national classification and IPC

H04Q7/32. H04Q7/38

Applicant

WAVECOM

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	5-9	YES
	Claims	1-4, 10-14	NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations:

Reference is made to the following documents in the present written opinion:

- D1: US 2003/100308 A1 (RUSCH LESLIE A) 29 May 2003
- D2: WO 03/055261 A (ERICSSON TELEFON AB L M;
SUNDBERG PER-ERIK (SE)) 3 July 2003
- D3: FR-A-2 830 161 (SAGEM) 28 March 2003
- D4: EP-A-1 349 413 (NTT DOCOMO INC) 1 October 2003
- D5: US 2002/102974 A1 (RAITH ALEX KRISTER)
1 August 2002

1.1 A bi-mode terminal allowing access to a first and a second network which in the event of presence in a zone of geographical coverage of one of the two networks (for example the second) operates in priority with this network is already known from any of the documents D1, D3, D4 or D5.

1.2 In particular, a terminal having two modes of operation (various interfaces) corresponding to the two networks and the two networks being a GSM/GPRS radio communication network and a WLAN local area network (paragraph 0010) is known from document D1

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(see also paragraphs 0014 and 0018).

1.3 Moreover, the bi-mode terminal of claim 1 uses a coverage list stored in the bi-mode terminal to contrast the position of the terminal, the said locating information, with the geographical positions associated with the second network. This technical characteristic is already also known from document D1, see the "characteristics .. for various geographic locations stored in a memory" in the "device 100" (paragraph 0018 and figure 1).

1.4 The present application thus fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 1 does not meet the requirement of novelty defined in PCT Article 33(2).

2. Dependent claims 2-14 do not appear to contain any additional features which, in combination with the subject matter of the principal claim, would involve novelty or an inventive step (PCT Article 33(3)). The latter are known, either directly derivable from the documents cited or are variant embodiments with no inventive meaning of their own.

In particular:

- the content of claim 3 is known from document D1, paragraph 0018 (PCT Article 33(2));
- the content of claim 7 is known from document D2, page 7, line 11 - page 8, line 11 (PCT Article 33(3));
- the content of claim 9 is known from document

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D2, page 8, lines 12-27 (PCT Article 33(3));

- the content of claims 12 and 14 is known from document D1, paragraph 0010 (PCT Article 33(2));
- the content of claim 14 is known from document D1, paragraph 0009 (PCT Article 33(2)).

If the applicant wishes to present an application for international preliminary examination (PCT Article 31) and/or enter the regional phase in front of the EPO (PCT Article 22 or 39) he ought moreover to take account of the following remarks:

3. The use of parentheses which are not reference signs according to PCT Rule 6.3(b) introduces ambiguity into the formulation of the claims which, consequently, are not clear (PCT Article 6). The use of parentheses in claims 3, 5, 7-10, 13-15 should be avoided.

Suggested amendments, for example, are:

- claims 3, 7, 9, 13, 14, 15: "~~(in English...)~~";
- claim 5: "~~(ATTACH~~", 410)", "~~(REGISTER~~", 412)";
- claims 8 and 10: "the said profile or the said profiles";
- claim 11: "the said last parameter used by the said terminal or the said last parameters used by the said terminal".

4. Claims 3, 7, 9, 13 and 15 will be clearer by replacing the expression "in that it belongs to the

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group comprising" by "is...or...or...or".

5. The independent claim ought to be correctly delimited in two parts according to PCT Rule 6.3(b), the features which are included in the prior art (cf. document D1) being indicated in the first part.
6. With a view to satisfying the requirements of PCT Rule 5.1(a)(ii), the applicant should cite document D1 in the description and indicate the corresponding prior art.